

Application No. 10/613,259
Amendment dated: December 14, 2004

Remarks/Arguments

Claims 1-15, 19-24, and 35-54 remain pending in the application. Claims 15-18 and 25 have been cancelled, though Applicant reserves the right to use said cancelled claims in a further divisional application. Claims 26-34 had been previously cancelled. All pending claims have been amended.

Prior to addressing the amendments to claims 1-15 and 19-24, Applicant would like to address amended claim 35.

Claim 35 was rejected under 35 USC 103(a) as being obvious in view of the combination of US Patent No. 6,757,098 to Berg and U.S. Patent No. 6,590,664 to Coin. However, the Examiner indicated that claim 38 would be allowable if rewritten in independent form, including all the limitations of any intervening claims. The Examiner indicated that the prior art does not teach or make obvious reducing the Raman gain to the claimed flexed gain value while keeping the EDFA gain constant. Applicant has moved the limitation of claim 38, which was indicated by the Examiner as being untaught in the prior art, into claim 35. Applicant has also moved other elements of claims 37 and 38 into claim 35, so that proper antecedent basis for the limitation indicated by the Examiner is present in claim 35. As such, Applicant submits that claim 35 is patentable in view of the combination of Berg and Coin, and requests that the rejection of claim 35 under 35 USC 103(a) should be withdrawn.

Claims 36-54 all depend, either directly or indirectly, from claim 35, and as such include all the limitations of claim 35, which is submitted to be patentable. Accordingly, Applicant submits that the rejection of claims 36-54 under 35 USC 103(a) should be withdrawn.

Applicant has amended independent claims 1, and 19 to include a limitation that a Raman gain is reduced to a flexed Raman gain value while keeping the EDFA gain constant. Applicant has made a further amendment to the preamble of claim 19 to ensure proper antecedent support. Applicant submits that the matter of this amendment is similar in language and scope to the limitation that the Examiner indicated as providing allowability to claim 38. As such, Applicant submits that this amendment is fully supported by the specification, that the matter of claims 1 and 19 is patentable in view of the cited references, and that the rejection under 35 USC 103(a) should be withdrawn.

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Claims 2-14 depend either directly or indirectly from claim 1, and as such include all the limitations of claim 1, which is submitted to be patentable. Accordingly, Applicant requests that the rejection to claims 2-14 under 35 USC 103(a) be withdrawn.

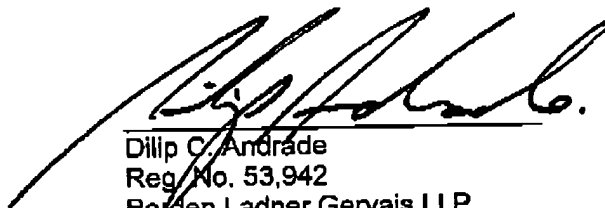
Claims 20-25 depend either directly or indirectly from claim 19, and as such include all the limitations of claim 19, which is submitted to be patentable. Accordingly, Applicant requests that the rejection to claims 20-25 under 35 USC 103(a) be withdrawn.

Applicant has amended the preambles to all dependent claims still pending in this application to address possible formality errors. Applicant has amended the body of claim 2 to conform to the amendment made to claim 1. Applicant has amended claim 7 to depend from claim 6 instead of claim 8. Applicant submits that no new matter has been claimed by way of these amendments.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

Applicant submits that the application is in condition for allowance, and earnestly solicits action to that end.

Respectfully submitted,
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